

IN THE DRAWINGS:

Replacement Sheets are submitted for Figures 1 and 1E. In Figure 1, the control panel in the center of the device above reference numeral 4 is changed from reference numeral 10 to reference numeral 9 to distinguish over the reference numeral 10 designating the form-filling unit located in the upper left-hand side of Figure 1. In Figure 1E, reference numeral 19 is changed to reference numeral 20 and reference numeral 20 is changed to reference numeral 20' so as to avoid having duplicate reference numeral 19 that was previously presented in Figure 1A.

REMARKS

The application has been amended, to place the application in condition for allowance at the time of the next Official Action.

A new title is provided as suggested in the Official Action.

Replacement drawings are submitted for Figures 1 and 1E. In Figure 1, a control unit which was previously labeled 10 is changed to reference numeral 9 consistent with the application as filed on page 14, lines 1-3. Such change avoids duplicate numbers 10. Reference numeral 10 already indicates a form-fill unit and is shown at the upper left-hand side of Figure 1.

In Figure 1E, reference numeral 19 is changed to reference numeral 20 and reference numeral 20 is changed to reference numeral 20'. This change is made to avoid duplicate reference numerals 19. Reference numeral 19 was previously described in conjunction with a stop for the pins 19a as seen in Figure 1A and as described on page 14, lines 21-24 of the application as filed.

The above-noted changes are the only changes and are not new matter.

Claims 1-27, 49 and 50 are pending in the application.

Claims 1-21, 49 and 50 are rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Official Action indicates that it is unclear how the transverse sealing jaws move.

Independent claims 1 and 19 are amended to clarify that the transverse sealing jaws are movable towards and away from each other in a plane perpendicular to a front side of the machine. Figure 1 is a side view of the machine (the right side) as seen from the front of the machine facing door 8. The movement of the transverse sealing jaws 71a and 71b is indicated by arrow G which shows the sealing jaws 71a and 71b moving in a direction perpendicular to the front of the machine. Such movement is also described on page 13, line 30 through page 14, line 3 of the application as filed wherein the front and side are also disclosed accordingly. Based on the amendment to the claims and the foregoing remarks, it is believed that the rejection under 35 USC §112, second paragraph should be withdrawn.

Claims 1, 6, 8-16, 19-21, 49 and 50 are rejected as unpatentable over FUKUDA 5,279,098. This rejection is respectfully traversed.

Claim 1 includes first longitudinal sealing means that are positioned at a first side, at one lateral side of the form-fill tube as considered from the front side of the machine. The first longitudinal sealing means form a first severable longitudinal seal at the location of an overlap.

As noted in the Official Action, FUKUDA teaches two embodiments of his invention. A first embodiment is shown in

Figure 1 and a second embodiment is shown in Figure 12. In the embodiment shown in Figure 1 of FUKUDA, the material to be sealed is wrapped around the forming shoulder 98 and as indicated in the Official Action, is sealed by vertical seal heater belt 102. However, as seen in Figure 1 of FUKUDA, the heater belt 102 is on the front side of the machine, not positioned at a first side, at one lateral side of the form-fill tube as considered from the front side of the machine as recited.

In addition, it appears that the seal of FUKUDA is intended to be a permanent seal and is not a severable seal as recited.

As to the embodiment of Figure 12 of FUKUDA, the web is sealed longitudinally by a vertical seal jaw 205. However, as seen in Figure 12, such seal jaw 205 is on the front side of the tube, not at one lateral side of the form-fill tube as considered from the front side of the tube of the machine as recited. The sealing device in the embodiment of Figure 12 of FUKUDA also appears to create a permanent seal, not a severable longitudinal seal as recited.

As the reference does not disclose that which is recited, the anticipation rejection is not viable.

Reconsideration and withdrawal of the rejection as to claim 1 are respectfully requested. Claims 2-18 depend from claim 1 and further define the invention and are also believed patentable over the cited prior art.

In addition, claim 6 provides that the first and second longitudinal sealing means are adjustable in a direction towards/away from the fill tube. The Official Action has indicated that Figure 12 shows this feature. However, the seal 205 of Figure 12 does not contact the fill tube (to form a seal) and does not appear to be movable.

Regarding claims 9-14, the Official Action indicates that the tube of Figure 12 specifically reference numerals 201 and 202 show what is recited in claims 9-14. However, claims 9-14 are directed to the lower end of the tube. See Figures 1A-1D of the present application, for example.

FUKUDA does not show or describe the lower end of tube 98 or 202. Therefore, FUKUDA would not disclose or suggest what is recited in claims 9-14.

Claim 15 provides that the fill tube has a substantially rectangular cross-section. FUKUDA refers to a loading cylinder at column 1, lines 25-30 and forming a tubular shaped web at column 4, lines 13-15. In addition, Figures 1 and 12 of FUKADA, the fill tube appears cylindrical. Applicant is unable to discern the teaching that the fill tube of FUKADA has a rectangular cross-section.

Claim 16 provides that a first side of the fill tube has a flat surface. The cylindrical tube of FUKADA would not have a flat surface.

Independent claim 19 also includes a first longitudinal sealing means positioned near a first lateral side, at one lateral side of the form tube, as considered from the front side of the machine. Claim 19 also provides that the sealing means forms a first severable longitudinal seal at the location of an overlap. The analysis above regarding claim 1 is equally applicable to claim 19. Claims 20 and 21 depend from claim 19 and further define the invention and are also patentable over FUKUDA.

Claims 49 and 50 depend from claim 1 and further define the invention and are also believed patentable over the cited prior art. In addition, claim 50 provides that the machine is designed as a step-wise or discontinuously operative machine. Column 1, lines 47-50 of FUKUDA teach that the machine of FUKUDA is continuously operable. FUKUDA does not teach or suggest a step-wise or discontinuously operative machine.

No art was applied against claims 2-5, 7, 17, 18 and 22-27. These claims are believed patentable regardless of the patentability of the claims from which they depend.

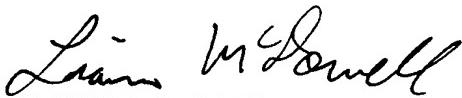
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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Appendix:

The Appendix includes the following item:

- replacement sheets for Figures 1 and 1E